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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,179	07/28/2003	David M. Maymudes	MS1-490USC1	7182
22801	7590	11/30/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			PATEL, RAMESH B	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/629,179

Applicant(s)

MAYMUDES, DAVID M. 

Examiner

Ramesh B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 18-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

**Response to the Amendment**

1. Claims 1-17 are presented for examination. Claims 18-33 have been withdrawn due to the nonelected claims and due to the response filed on 6/22/2004.
2. The rejection to claims 1-17 under 35 U.S.C. 102(e) is maintained and updated to include the remark(s).

**Claim Rejections - 35 U.S.C. § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Edson (US Patent 6,526,581).

As to claims 1 and 11, Edson teaches the invention including a remote controlled system comprising: a remote controller; and a general-purpose computer coupled to communicate with the remote controller and a controlled device to facilitate remote control of the controlled device by the remote controller is taught as a gateway providing an open loop software interface to control in-home communications and to enable in-home devices of various divergent technologies to selectively access external communication features as shown in figure 1 (see, abstract and figures 1-2 and col. 3, lines 46-59); a first device having a user interface (UI); and a facilitator communicatively coupled to the first and a second device to facilitate remote control of the second device by the first device, the facilitator providing UI information to the first device that may be used by a user to enter control data for controlling the second device to perform an action, the facilitator translating the control data received from the first device into commands that are sent to the second device to effectuate the action intended by the user is taught as the instructions of the gateway and/or the device specific interfaces as may be carried on or installed in one or more computer readable medium wherein the program code is for use in a system for providing data communications within the premises and to wide area network links (see, figures 1-2 and col. 4, lines 45-51 and col. 7, lines 44-57).

As to claims 2-6 and 11-13, Edson teaches the remote controller has a display and one or more input mechanisms that enable user input, and embodied as a cellular phone, wherein the controlled device is embodied as a home device selected from a

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group of home devices comprising a television, a stereo, a radio, a VCR, a set top box, lighting controller, and alarm controller and wherein the general-purpose computer is embodied as a desktop computer wherein the general-purpose computer runs an open platform operating system (see, figures 1-4 and col. 4, lines 36-50, "The in-home media.....access to wide area network links." and col. 7, line 44 to col. 8, line 11, "The PC preferably provides a user interface to allow monitoring...a connected device.").

As to claims 7-8 and 14-15, Edson teaches the remote controlled system of claim 1, wherein the general-purpose computer is configured to expose a universal plug and play (UPnP) application program interface (API) through which the remote controller and the controlled device may make calls to the general-purpose computer and wherein the general-purpose computer is configured to communicate with the remote controller and the controlled device using a wireless communication protocol (see, figures 1-2 and col. 7, line 44 to col. 8, line 11, "The PC preferably provides a user interface to allow monitoring...a connected device.").

As to claims 9-10, Edson teaches remote controlled system further comprising an application program stored and executed on the general-purpose computer, the application program directing the computer to provide UI information to the remote controller that may be used by a user to enter control data for controlling the controlled device and to translate the control data received from the remote controller into commands that are sent to the second device to effectuate an action intended by the

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user and multiple remote controllers and multiple controlled devices, the general-purpose computer is coupled to communicate with the multiple remote controllers and the multiple controlled devices to facilitate remote control of any one of the controlled devices by any one of the remote controllers (see, col. 4, lines 45-59, "the program code....compatible with a predetermined application program interface." and col. 9, lines 15-32).

As to claims 16-17, Edson teaches the remote controlled system of claim 11, wherein the UI of the first device comprises one or more input components to permit user entry of the control data, the UI information being associated with the input components so that selection of a particular input component by the user results in generation of particular control data and wherein the UI of the first device includes a display and the UI information includes text strings for display on the UI display (see, abstract and figures 1-2 and col. 4, lines 36-50 and col. 7, lines 44-57 and col. 10, lines 7-23).

4. Applicant's arguments filed on 10/13/2004 regarding claims 1-17 have been fully considered but they are not persuasive. As to the applicant's arguments regarding claims 1-11, the Edson reference teaches the invention including a remote controlled system comprising: a remote controller; and a general-purpose computer coupled to communicate with the remote controller and a controlled device to facilitate remote control of the controlled device by the remote controller is taught as a gateway providing

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an open loop software interface to control in-home communications and to enable in-home devices of various divergent technologies to selectively access external communication features as shown in figure 1; a first device having a user interface (UI) and a facilitator communicatively coupled to the first and a second device to facilitate remote control of the second device by the first device, the facilitator providing UI information to the first device that may be used by a user to enter control data for controlling the second device to perform an action, the facilitator translating the control data received from the first device into commands that are sent to the second device to effectuate the action intended by the user is taught as the instructions of the gateway and/or the device specific interfaces as may be carried on or installed in one or more computer readable medium wherein the program code is for use in a system for providing data communications within the premises and to wide area network links as shown in figures 1-2; regarding claims 2-6 and 11-13, the remote controller has a display and one or more input mechanisms that enable user input, and embodied as a cellular phone, wherein the controlled device is embodied as a home device selected from a group of home devices comprising a television, a stereo, a radio, a VCR, a set top box, lighting controller, and alarm controller and wherein the general-purpose computer is embodied as a desktop computer wherein the general-purpose computer runs an open platform operating system teaches as recited in col. 4, lines 36-50, "The in-home media.....access to wide area network links." and col. 7, line 44 to col. 8, line 11, "The PC preferably provides a user interface to allow monitoring...a connected device."; regarding claims 7-8 and 14-15, the remote controlled system of claim 1,

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wherein the general-purpose computer is configured to expose a universal plug and play (UPnP) application program interface (API) through which the remote controller and the controlled device may make calls to the general-purpose computer and wherein the general-purpose computer is configured to communicate with the remote controller and the controlled device using a wireless communication protocol as shown in figures 1-2 also, see col. 7, line 44 to col. 8, line 11, "The PC preferably provides a user interface to allow monitoring...a connected device."; regarding claims 9-10, an application program stored and executed on the general-purpose computer, the application program directing the computer to provide UI information to the remote controller that may be used by a user to enter control data for controlling the controlled device and to translate the control data received from the remote controller into commands that are sent to the second device to effectuate an action intended by the user and multiple remote controllers and multiple controlled devices, the general-purpose computer is coupled to communicate with the multiple remote controllers and the multiple controlled devices to facilitate remote control of any one of the controlled devices by any one of the remote controllers teaches as recited in col. 4, lines 45-59, "the program code....compatible with a predetermined application program interface." and col. 9, lines 15-32 and regarding claims 16-17, the remote controlled system of claim 11, wherein the UI of the first device comprises one or more input components to permit user entry of the control data, the UI information being associated with the input components so that selection of a particular input component by the user results in generation of particular control data and wherein the UI of the first device includes a



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display and the UI information includes text strings for display on the UI display as shown in figures 1-2 and recited in col. 4, lines 36-50 and col. 7, lines 44-57 and col. 10, lines 7-23. The Edson reference teaches the claimed limitations as to the extend required by the claim limitation.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh B. Patel whose telephone number is 571-272-3688. The examiner can normally be reached on M-Th; 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ramesh B. Patel 11/22/04  
Primary Examiner  
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